COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Council President Subin and Councilmembers Leggett, Andrews, and Ewing

AN EMERGENCY ACT to:

(1) reaffirm that the County Council acts as the County Board of Health and has all the powers of a local board of health under state and County law;

(2) confirm that the County Council, sitting as the Board of Health, need not follow certain administrative procedures when adopting regulations; and

(3) generally amend County law regarding the composition, authority, and duties of the Board of Health.

By amending

Montgomery County Code
Chapter 2, Administration
Section 2-65

Chapter 2A, Administrative Procedures Act
Section 2A-12

The County Council for Montgomery County, Maryland approves the following Act:
Sec. 1. Sections 2-65 and 2A-12 are amended as follows:

2-65. Board of health [created] designated.

[There is hereby established a county board of health which shall have and
eexercise all the powers of a local board of health as provided in article Health-
General, title 3, subtitle 2, Annotated Code of Maryland, 1957, as amended. The
county council is hereby designated as the county board of health.]

(a) The County Council is, and may act as, the County Board of Health.

(b) When meeting as the Board of Health, the County Council has all the
powers delegated to a local board of health under State and County
law.

(c) The County Council, meeting as the Board of Health, may adopt any
regulation which a local board of health is authorized to adopt.

Before it adopts a regulation, the Board must hold a public hearing
after giving reasonable notice, as specified in the Council Rules of
Procedure, to each municipality in the County and the public.

2A-12. [Declaration of policy and legislative intent] Policy and scope of
Article.

(a) Purpose. It is the purpose of this Article to prescribe a single and
consistent procedure for the adoption, review and repeal of
regulations, and to provide a uniform procedure for their public
notification and compilation.

(b) Scope. Unless otherwise provided, this Article applies to all
regulations. However, this Article does not apply to the County
Council, meeting as the Board of Health, when it adopts a regulation.

Sec. 2. Emergency Effective Date. The Council declares that an
emergency exists and that this legislation is necessary for the immediate protection
of the public health and safety. This Act takes effect on the date on which it
becomes law.

Approved:

Michael L. Subin, President, County Council

Approved:

Douglas M. Duncan, County Executive

This is a correct copy of Council action.

Mary A. Edgar, CMC, Clerk of the Council